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EXAMINER

PILAPITIYA, NALIN B

ART UNIT

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2617

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/557,836	Applicant(s) MORIOKA ET AL.	
	Examiner NALIN PILAPITIYA	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-18 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-18 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 13 – 15 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Hsu (US 6,374,079 B1).

Re claim 13, Hsu discloses an intermediate device that relays a piece of initial data from a management device on a wireless network to a communication device, the piece of initial data being used to register the communication device to the wireless network, the intermediate device comprising:

a receiving unit operable to, receive the piece of initial data from the management device (column 21, lines 54 – 67; the proxy device is the receiving unit and the management device is the BS [base station]; fig. 8, item 179; the cube is the receiving unit that downloads the parameters);

a holding unit operable to hold the piece of initial data (column 21, lines 64 – 67); and

a sending unit operable to send the piece of initial data to the communication device wherein (column 21, lines 62 – 63):

the receiving of the piece of initial data performed by the receiving unit and the sending of the piece of initial data performed by the sending unit are each

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performed using a carrier that reaches a narrower area than an area reached by a carrier used for wireless communication on the wireless network (column 21, lines 61 – 67; the proxy device uses MI [magnetic induction] as disclosed in column 20, lines 54 – 56; column 21, lines 6 – 15 and line 20 – 24 disclose that the induction is done at a close range; column 21, lines 35 - 37 disclose that this close range registration is performed for security reasons; fig. 7 shows the close range magnetic induction configuration; and fig. 2 column 30, lines 47 – 50 show the long range RF control of the device using the BS);

the management device is positioned in a location where neither (i) the carrier used for the receiving of the piece of initial data performed by the receiving unit, nor (ii) the carrier used for the sending of the piece of initial data performed by the sending unit, is able to reach the communication device (column 21, lines 54 – 67; column 21, lines 20 - 24 and fig. 7 disclose that the initial data is performed within a foot using magnetic induction and fig. 2 column 30, lines 47 – 50 shows that RF control of the communication device [sensor/actuator device] is longer than one foot range);

the communication device is positioned in a location where neither (i) the carrier used for the receiving of the piece of initial data performed by the receiving unit, nor (ii) the carrier used for the sending of the piece of initial data performed by the sending unit, is able to reach the management device (column 21, lines 54 – 67; column 21, lines 20 - 24 and fig. 7 disclose that the initial data is performed within a foot using magnetic induction and fig. 2 column 30, lines 47

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– 50 shows that RF control of the communication device [sensor/actuator device] is longer than one foot range);

the receiving unit is adapted to receive the piece of initial data when positioned at a first location, from which the carrier used for the receiving of the piece of initial data performed by the receiving unit reaches the management device (column 21, lines 54 – 67); and

the sending unit is adapted to send the piece of initial data when positioned at a second location, from which the carrier used for the sending of the piece of initial data performed by the sending unit reaches the communication device, the sending of the piece of initial data by the sending unit being performed after moving the intermediate device from the first location to the second location (column 21, lines 54 – 67).

Re claim 14, Hsu discloses the intermediate device according to claim 13, wherein:

different carriers are used by the receiving unit_in the receiving of the piece of initial data_and by the sending unit_in the sending of the piece of initial data (column 21, lines 54 – 67; the carriers are implemented at different times and different locations, therefore the carriers are different).

Re claim 15, Hsu discloses the intermediate device according to claim 13, further comprising:

an erase unit operable to erase the piece of initial data held in the holding unit.

Re claim 23, Hsu discloses a method of registration of a communication device that relays a piece of initial data from a management device on a wireless network to the communication device with use of an intermediate device, the piece of initial data being used to register the communication device to the wireless network, the method of registration comprising the steps of:

the intermediate device receiving the piece of initial data from the management device when the communication device is to be registered to the wireless network (column 21, lines 54 – 67; the proxy device is the receiving unit and the management device is the BS [base station]; fig. 8, item 179; the cube is the receiving unit that downloads the parameters);

the intermediate device holding the piece of initial data that has been received (column 21, lines 64 – 67); and

sending the piece of initial data that has been held from the intermediate device to the communication device (column 21, lines 62 – 63), wherein:

the receiving of the piece of initial data and the sending of the piece of initial data are each performed using a carrier that reaches a narrower area than an area reached by a carrier used for wireless communication on the wireless network (column 21, lines 61 – 67; the proxy device uses MI [magnetic induction] as disclosed in column 20, lines 54 – 56; column 21, lines 6 – 15 and line 20 – 24 disclose that the induction is done at a close range; column 21, lines 35 - 37 disclose that this close range registration is performed for security reasons; fig. 7 shows the close range magnetic induction configuration; and fig. 2 column 30,

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lines 47 – 50 show the long range RF control of the device using the BS);

the management device is positioned in a location where neither (i) the carrier used for the receiving of the piece of initial data, nor (ii) the carrier used for the sending of the piece of initial data, is able to reach the communication device (column 21, lines 54 – 67; column 21, lines 20 - 24 and fig. 7 disclose that the initial data is performed within a foot using magnetic induction and fig. 2 column 30, lines 47 – 50 shows that RF control of the communication device [sensor/actuator device] is longer than one foot range);

the communication device is positioned in a location where neither (i) the carrier used for the sending of the piece of initial data, nor (ii) the carrier used for the sending of the piece of initial data, is able to reach the management device (column 21, lines 54 – 67; column 21, lines 20 - 24 and fig. 7 disclose that the initial data is performed within a foot using magnetic induction and fig. 2 column 30, lines 47 – 50 shows that RF control of the communication device [sensor/actuator device] is longer than one foot range);

the receiving of the piece of initial data is performed when the intermediate device is positioned at a first location, from which the carrier used for the receiving of the piece of initial data reaches the management device (column 21, lines 54 – 67); and

the sending of the piece of initial data is performed when the intermediate device is positioned at a second location, from which the carrier used for the sending of the piece of initial data reaches the communication device, the

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sending of the piece of initial data being performed after moving the intermediate device from the first location to the second location (column 21, lines 54 – 67).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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6. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu (Patent No.: US 6,374,079 B1) as applied to claim 15 above, and further in view of Aucsmith (Patent Number 5,621,798).

Re claim 16, Hsu discloses the intermediate device according to claim 15, but fails to disclose wherein:

the erasing of the piece of initial data is performed when the piece of initial data sent by the sending unit is received by the communication device.

However, Aucsmith discloses the erasing of the piece of initial data is performed when the piece of initial data sent by the sending unit is received by the communication device (column 4, lines 26 – 47).

Motivation to combine may be gleaned from the prior art contemplated. Therefore, one skilled in the art would have found it obvious from the combined teachings of “Hsu” and “Aucsmith” as a whole to produce the invention as claimed with a reasonable expectation of the erasing of the piece of initial data is performed when the piece of initial data sent by the sending unit is received by the communication device for the benefit of ensuring that the communication device receives the data before it is erased.

Re claim 17, Hsu and Aucsmith disclose the intermediate device according to claim 16, and Aucsmith further discloses wherein:

the erase unit confirms, by receiving a notification from the communication device, that the piece of initial data is received by the communication device (column 4, lines 26 – 47).

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Motivation to combine may be gleaned from the prior art contemplated.

Therefore, one skilled in the art would have found it obvious from the combined teachings of "Hsu and Aucsmith" and "Aucsmith" as a whole to produce the invention as claimed with a reasonable expectation of the erase unit confirms, by receiving a notification from the communication device, that the piece of initial data is received by the communication device for the benefit of ensuring that the communication device receives the data before it is erased.

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu (Patent No.: US 6,374,079 B1) in view of Aucsmith (Patent Number 5,621,798) as applied to claim 15 above, and further in view of Jaffe et al (Patent Number 5,086,412).

Re claim 18, Hsu and Aucsmith disclose the intermediate device according to claim 15, but fails to disclose wherein:

the holding unit is a Ferroelectric Random Access Memory; and
the erasing of the piece of initial data is performed by a destructive read of the piece of initial data.

However, Jaffe discloses the holding unit is a Ferroelectric Random Access Memory; and
the erasing of the piece of initial data is performed by a destructive read of the piece of initial data (abstract).

Motivation to combine may be gleaned from the prior art contemplated.

Therefore, one skilled in the art would have found it obvious from the combined teachings of "Hsu and Aucsmith" and "Jaffe" as a whole to produce the invention

as claimed with a reasonable expectation of the holding unit is a Ferroelectric Random Access Memory; and the erasing of the piece of initial data is performed by a destructive read of the piece of initial data for the benefit of making the read/write process more efficient.

Response to Arguments

8. Applicant's arguments with respect to claims 13 - 18 and 23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to NALIN PILAPITIYA whose telephone number is (571)270-7122. The examiner can normally be reached on Monday - Friday 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael G. Perez can be reached on (571)272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NALIN PILAPITIYA/
Examiner, Art Unit 2617

/Rafael Pérez-Gutiérrez/
Supervisory Patent Examiner, Art Unit 2617